

# Northern Virginia Long-Term care UPDATE

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## Information and issues from Northern Virginia Long-Term Care Ombudsman Program

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### 2000 Virginia General Assembly:

#### A Review of Long Term Care Legislation.

The Virginia General Assembly met in a long session from mid-January through mid-March. During this session a number of bills related to long term care issues were presented and considered by lawmakers.

The following is a synopsis of the bills that were passed. The Virginia Department for the Aging has provided the summary information. For full summaries, please contact Legislative Information at 804-698-1500 or go to the Internet site, <http://leg1.state.va.us/>.

#### Adult Care Residences

##### **HB 836 Adult care residences; access.**

Provides that adult care residences shall provide reasonable access to staff of community services boards for the purpose of (I) assessment or evaluation (II) case management or other services or assistance, or (III) monitoring the care for community services board consumers in the facility, or to evaluate other facility residents requesting services. This bill is a recommendation of the Joint Commission on Health Care.

##### **HB 837 Adult care residences; disclosure of staffing levels.**

Requires mandatory disclosure to residents and their families of the number and description of the direct care staff for all licensed adult care

residences. This bill is a recommendation of the Joint Commission on Health Care.

##### **HB 1051 Adult care residences.**

Directs the State Board of Social Services to implement separate provisions for adult care residences with fewer than fifty beds, taking into consideration cost constraints of smaller operations in complying with such regulations.

##### **HB 1194 Adult care residences; training.**

Requires applicants for licensure of an adult care residence who have not previously owned or managed or do not currently own or manage an adult care residence in Virginia to undergo training by the Department of Social Services or other Commissioner-approved training program. This bill is a recommendation of the Joint Commission on Health Care.

##### **HB 1251 Adult care residences; revised definitions.**

Renames adult care residences as assisted living facilities, which are defined as congregate residential settings that provide or coordinate personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting. This bill is a recommendation of the Joint Commission on Health Care.

##### **SB 565 Practitioner Self-Referral Act.**

Amends the Practitioner Self-Referral Act to make its provisions applicable to health care providers who refer patients for care in any adult care residence in which they have a finan-

cial interest. This bill is a recommendation of the Joint Commission on Health Care.

### **Adult Protective Services**

#### **HB 378 Abuse and neglect of incapacitated adults; penalty.**

Amends the definition of abuse to include “knowing and willful conduct.” The bill provides that neglect must be knowing as well as willful. The bill expands the exemptions to abusive or neglectful conduct to exclude bona fide, recognized or approved medical care practices and conduct incident to necessary movement, placement, or protections from harm of the incapacitated adult.

#### **HB 1168 Adult protective services; mandatory reporters.**

Requires nursing homes, certified nursing facilities and adult care residences to train all employees, who are mandatory reporters of adult abuse, neglect, and exploitation on the reporting procedures and the consequences for failing to report.

#### **HB 1169 Adult protective services.**

Requires that nursing homes, certified nursing facilities, and adult care residences post the Adult Protective Services toll-free number in a place that is conspicuous and public.

### **Life-Ending Issues – Advance Directives, Health Care Treatment Decisions**

#### **HB 1367 Health care decisions.**

Requires, in those instances in which a physician determines the terms of an advance directive of a qualified patient or the treatment decision of a person designated to make the decision on the treatment to be medically or ethically inappropriate, that the physician make reasonable effort to inform the patient or the patient’s designated decision-maker of such de-

termination and the reasons for the determination.

#### **HJ 242 Health; advance directives.**

Requests the Virginia Board of Medicine, the Medical Society of Virginia, the Old Dominion Medical Society, the Virginia Academy of Family Physicians, the Virginia Hospital and Healthcare Association, the Virginia Healthcare Association, the Virginia Association of Non-Profit Homes for the Aging, the Virginia Association for Home Care, the Virginia Bar Association, the Virginia State Bar, and other appropriate entities to encourage their members to promote greater awareness of advance directives. This is a recommendation of the Joint Commission on Health Care.

### **Long-Term Care**

#### **HB 1368 Long-term care nursing scholarship and loan repayment program.**

Established a scholarship and loan repayment program for registered nurses, licensed practical nurses, and certified nurse aides who agree to work in a Commonwealth long-term care facility for a given period of time. This bill is a recommendation of the Joint Commission on Health Care.

### **Nursing Homes**

#### **HB 714 Certified nursing facility education initiative.**

Authorizes the Board of Medical Assistance Services (Board), assisted by the Department of Medical Assistance Services (DMAS), to administer education initiatives for certified nursing facilities. The Director of DMAS shall contract with a nonprofit organization for early on-site training and assistance to promote quality of care in such facilities.

**HB 1006 Health; nursing homes. (Continued to 2001 in House).**

Requires the Board of Health to develop staffing standards for nursing homes that will provide an average of five hours of direct care services per resident per 24-hour period. The Board shall develop a definition of direct care services by regulation.

**HB 1200 Grant program for respite care services.**

Provides up to \$100,000 in matching funds to organizations for the development or expansion of adult day care services or other services that provide respite care to aged, infirm, or disabled adults.

**SB 770 Local hospital or health center commissions.**

Revises the definition of health center to include nursing homes, adult care residences, independent living facilities and assisted living facilities, as defined in the Code, and licensed by the Departments of Social Services or Health.

**HB 1113 Virginia Pharmaceutical Assistance Program.**

**(Continued to 2001 in House)**

Establishes, within the Department of Health, the Virginia Pharmaceutical Assistance Program for the purpose of assuring that individuals who are 65 years old or older and whose incomes do not exceed 200 percent of the federal poverty level have access to medically necessary prescription drugs.

**Virginia Department for the Aging****HB 1199 Department for the Aging toll-free hotline.**

Establishes within the Department for the Aging a toll-free number to provide resource and

referral information to older Virginians and their families, and to provide such other assistance and advice as may be requested.

**Would You Like to be an Advocate?**

If you are **empathetic, diplomatic, a good communicator** and **enjoy meeting people**, we may have an opportunity for you!

The ombudsman program is preparing for its annual September training for new Volunteer Ombudsmen. Our highly skilled and dedicated volunteers play a key role in our program's provision of advocacy services to recipients of long-term care in the region. The volunteer is assigned to a specific nursing home or assisted living facility, and makes weekly visits (primarily during weekdays). Using the skills of **listening, observing** and **mediating**, the ombudsman works with the residents, their families and the staff of the facility to ensure that the residents' rights are being protected.

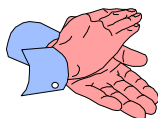
Applicants must successfully complete three days of training, which addresses subjects such as residents' rights; the long-term care system; working with individuals with dementia; interviewing skills; and complaint handling and resolution. The training will be held on Tuesday, September 12, Wednesday, September 13 and Thursday, September 21, 2000 in western Fairfax County.

If you are not employed by a long-term care facility, and can devote four hours a week to this unique and challenging work, please contact Nancy Cavicke for further information, at **(703) 324-5435**.

## That's a lot of handshaking and hand-holding!

In the past year, our volunteer ombudsmen contributed **6,354 hours** in advocacy service to the residents of the long term care facilities throughout Northern Virginia. How fortunate we are—the program, residents, residents' families and facility staff—that these individuals have chosen to give of their time and talents to support quality care.

**Thank you, Volunteer Ombudsmen!!**



### NEW

The Northern Virginia Long-Term Care Ombudsman Program has a new intake line!!!

**703-324-5861**

Just leave a message on the intake line and a staff member will return your call as soon as possible.

**Reminder: The NVLTCOP can be a valuable resource for residents, family members, staff members, or anyone that needs ideas related to long-term care!!**

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